

INTER-OFFICE COMMUNICATION FROM

THE OFFICE OF

CLERK OF THE BOARD OF COUNTY COMMISSIONERS

June 1, 1987

TO: Jan Winters, County Administrator
Lisa Heasley, County Attorney's Office
Denise Distel, Asst. Co. Attorney
David Bludworth, State Attorney
Joy Shearer, Asst. Attorney General
Jerry Nolan, Sheriff's Office-Admin.
John Lehner, PZ&B
Bob Palchanis, Building Division
Patty Young, 4th Dist. Ct. of Appeals
Law Library
County Library (2)
Pinky Yount, PBC Municipal League, Inc.
1708 N. Lakeside Drive, Lake Worth, FL 33460
Judge Harrison, South County Courthouse
Judge Clark, South County Courthouse
Gun Permit Office
Pat Neville, Finance
Public Information
FROM: John W. Dame
Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 87-8

**AN ORDINANCE OF THE BCC OF PBC, FL, ENACTING AN
ORDINANCE ENTITLED "PALM BEACH COUNTY COOLING-OFF
PERIOD ORDINANCE"; AN ORD RELATING TO THE REGULATION OF
THE PURCHASE AND DELIVERY OF HANDGUNS;...**

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is May 21, 1987.

JWD:lc
attachment

cc: * Commissioners, BCC
Clerk of BCC
Minutes

* If a copy of ord. is needed please advise Ms. Lorie Clinger, Finance Department at 820-2959.

ORDINANCE NO. 87- 8

2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
3 OF PALM BEACH COUNTY, FLORIDA, ENACTING AN
4 ORDINANCE ENTITLED "PALM BEACH COUNTY COOLING-OFF
5 PERIOD ORDINANCE"; AN ORDINANCE RELATING TO THE
6 REGULATION OF THE PURCHASE AND DELIVERY OF
7 HANDGUNS; PROVIDING FOR DEFINITIONS; PROVIDING FOR
8 EXEMPTIONS; PROVIDING FOR THE INSPECTION OF
9 RECORDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR
10 INCLUSION IN THE CODE; AND PROVIDING FOR AN
11 EFFECTIVE DATE.

12 WHEREAS, the Florida Legislature enacted the "Joe Carlucci Uniform
13 Firearms Act," s. 790.33, Florida Statutes, preempting the entire field
14 of regulation of firearms and ammunition; and

15 WHEREAS, the Florida Legislature, has declared all existing County
16 Ordinances that regulate firearms null and void; and

17 WHEREAS, the Florida Legislature has created a limited exception
18 to s.790.33, authorizing a County to adopt a Cooling-off Period
19 Ordinance, requiring a cooling-off period of up to forty-eight (48) hours
20 between the purchase and delivery of a handgun; and

21 WHEREAS, the Board of County Commissioners of Palm Beach County
22 has determined that, for the protection of the health, safety and general
23 welfare of the citizens of Palm Beach County, a forty-eight (48) hour
24 cooling off period should be established; and

25 WHEREAS, the Board of County Commissioners of Palm Beach County
26 has determined that an emergency exists and that the purchase of handguns
27 could be harmful to the public's health, safety and general welfare,
28 hence, immediate enactment of said ordinance is necessary.

29 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
30 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA as follows:

Section 1. SHORT TITLE

32 This ordinance shall be known and may be cited as the "Palm Beach
33 County Cooling-off Period Ordinance."

Section 2. DEFINITIONS

35 As used in this ordinance unless the context otherwise indicates:

36 (a) "purchase" means the payment of a deposit, payment in
37 full, or notification of intent to purchase.

1 (b) "retail establishment" means gun shop, sporting goods
2 store, pawn shop, hardware store, department store,
3 discount store, bait or tackle shop, or any other
4 store that offers handguns for walk-in retail sale,
5 but does not include gun collector shows or exhibits,
6 or gun shows.

Section 3. COOLING-OFF PERIOD

8 A forty-eight (48) hour cooling-off period measured from the time
9 of purchase of a handgun must expire before delivery of the handgun is
10 made to an individual by a retail establishment selling said handgun.
11 This ordinance shall apply to all sales of handguns to individuals by a
12 retail establishment except as specifically exempted herein.

Section 4. EXEMPTIONS

14 (a) The provisions of this ordinance shall not apply to
15 individuals who are licensed to carry concealed
16 firearms under the provisions of s. 790.06, Florida
17 Statute, who are licensed to carry concealed firearms
18 under any other provision of State law and who show a
19 valid license.

20 (b) The provisions of this ordinance shall not apply to
21 individuals who already lawfully own another firearm
22 and who show a sales receipt for another firearm;
23 who are known to own another firearm through a prior
24 purchase from the retail establishment; or who have
25 another firearm for trade-in.

26 (c) The provisions of this ordinance shall not apply to a
27 law enforcement or correctional officer as defined in
28 s. 943.10.

29 (d) The provisions of this ordinance shall not apply to a
30 law enforcement agency as defined in s. 934.02.

31 (e) The provisions of this ordinance shall not apply to
32 sales or transactions between dealers or between
33 distributors or between dealers and distributors who
34 have current federal firearms licenses.

1 (f) The provisions of this ordinance shall not apply to
2 any individual who has been threatened or whose family
3 has been threatened with death or bodily injury,
4 provided the individual may lawfully possess a firearm
5 and provided such threat has been duly reported to
6 local law enforcement.

Section 5. INSPECTION OF RECORDS

8 Records of handgun sales by retail establishments shall be
9 available for inspection, during normal business hours, by any law
10 enforcement agency as defined in s. 934.02, Florida Statute.

Section 6. SEVERABILITY

12 If any section, subsection, sentence, clause or phrase of this
13 ordinance is held to be invalid or unconstitutional by any Court of
14 competent jurisdiction, then said holding shall in no way affect the
15 validity of the remaining portions of this ordinance.

Section 7. INCLUSION IN CODE

17 It is the intention of the Board of County Commissioners that the
18 provisions of this ordinance shall become and be made a part of the Palm
19 Beach County Code and that the sections of this ordinance may be
20 renumbered or relettered and the word "ordinance" may be changed to
21 "section," "article," or such other appropriate word or phrase in order
22 to accomplish such intentions.

Section 8. EFFECTIVE DATE

24 | This ordinance shall become effective this 21st day of May, 1987.

Section 9. APPLICABILITY

26 This ordinance shall be applicable in the entire unincorporated
27 area of Palm Beach County and the incorporated area of Palm Beach County
28 to the extent permissible under Article 8, Section 1(F) of the Florida
29 Constitution.

30 APPROVED and ADOPTED BY THE Board of County Commissioners of Palm
31 Beach County, Florida, on the 21st day of May, 1987.

1
2
3 APPROVED AS TO FORM
4 AND LEGAL SUFFICIENCY
5
6 By Delwin M. Bistel
7 County Attorney
8

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: Carl Abbott
Chairman

9
10 EFFECTIVE DATE: Date of Postal Acceptance on the 21st day of
11 May, 1987.

12 Acknowledgement by the Department of State of the State of
13 Florida, on this the 26th day of May, 1987